

September 21<sup>st</sup> 2020

Dear Mr. Ioannides, Mrs. Espinosa Krupa, Mrs. Baschiera, Mrs. Johnson, and Mr. Willett,

I am writing to you in response to the ethic complaint 20-22:

- Vacation of a portion of E. Crestone Avenue containing City owned sewer
- Rezoning of land next to E. Crestone Ave.

The claim is that I have shown bias in my decision about rezoning a parcel from R1 to R2 ordinance 2020-10 as well as the decision to vacate a part of E. Crestone Avenue ordinance 2020-11. These actions were part of our effort to create more affordable housing in our community. The person who filed this complaint lives next to where the affordable housing would be located and doesn't like our decision to approve the project.

I am confused because, even though this is supposedly an "ethics" complaint, I don't see on the IEC complaint form any claim that I violated any ethics rules. The complaint form says I "skewed due process" (which is not true, as I will explain), but that is not a claim I did anything wrong as far as the ethics rules. I know the difference because at our Council retreat earlier this year we got training from our attorneys on the due process rules, ethics rules, Amendment 41 and what you on the Independent Ethics Commission do. How am I supposed to "answer" an ethics complaint that doesn't identify any ethics violations for me to answer to?

So, even though there is no claim that I violated any ethics rules in voting on our affordable housing project, I will respond to what was said about me in the materials attached to the complaint about my role in approval of that project.

I hereby state that I listened and read with full attention to all citizens' comments including those of the claimant's and integrated all comments with all other information made available to me about the street vacation and the rezoning, ordinances 2020-10 and 2020-11. I came to the conclusion that vacating the portion of E. Crestone Avenue will increase traffic safety (particularly for the newly designed M Street intersection from M Street to 3<sup>rd</sup> Street which will be less steep than it is currently, and the elimination of the oblique angle intersection of E-Crestone, which is generally discouraged secondary to decreased visibility of oncoming traffic).

More specifically: Exhibits Figure 3, 4 and 5 attached to the complaint have nothing directly to do with the current street vacation, other than that they describe a prior attempt of the city from some years ago, to vacate a part of E. Crestone.

Furthermore, I felt that the City as the applicant proved the point that a R2 zoning Ordinance 2020-10 was more appropriate since all neighbor lots on the same level are zoned R2.



In addition, I was aware that the city had initiated both ordinances to prepare for a possible affordable housing project and I support that intent.

The arguments against this affordable housing project that I weighed the most were: 1) the costs to the City to make those changes in streetscape and 2) The need for any residents around 3<sup>rd</sup> street, on Crestone Avenue and upstream of Crestone Avenue to have to deal with some changed traffic patterns. I expressed these concerns in the city council meeting of August 18<sup>th</sup>.

I understand the claimant's concern that the surveyor showed up only a day after the first hearing of ordinance 20-28. I questioned staff on the timing of the survey at the August 18<sup>th</sup> meeting. Staff replied it had to do with scheduling issues of the surveyor and in no way indicated a presumption of the decision of council.

The YouTube recording from the council meeting of the first reading July 7 will show you the actual disagreement between the claimant and her husband and me. David Martin states pretty clearly that he is not concerned about teachers, waiters or police officers (with an income that might qualify for those units) having and affordable place to live in our community. Instead David states he is more concerned about losing doctors and lawyers, if they have to live in close proximity to the affordable housing project. I feel a socioeconomic mix is healthy; David Martin and his wife Michelle Parmeter appear to see it as a threat.

More specifically, it is true that my wife has listed the neighboring property. It is a lie though that the future possible affordable housing project was not disclosed. In fact, she has in writing an email from the buyer's agent disclosing this project to his buyer.

It is true that some of the properties of the neighborhood are valued at around \$600,000. My wife's listing is under contract for around \$580,000 and was scheduled to close on Sept. 10th. It is also true that just across the street there is a little run down bungalow, that might appraise in the mid to high three hundreds. And there is also the County Jail near by. The neighborhood, like so many in Salida, is a mish-mash of many different kind of properties.

I leave proof for publication and a response to the claim that the city disregarded Colorado Statute 31-15-713 to the city lawyer, since I relied on her expertise in this matter.

In conclusion, as I said at the outset, there are no claims that I violated any ethics rules in connection with voting to approve the affordable housing project. I hope the Commission protects my reputation by finding that this complaint does not show that I violated any ethics rules. Ms Parmeter is unhappy about the result, but this does not mean I was unethical in representing the citizens of Salida.

- Re: Purchase of Union Pacific land for recreational use



The plan to purchase the 60+ acres of Union Pacific land and turn it into protected open space has been a long standing intention of the city of Salida. It is spelled out in the Salida 2013 Comprehensive Plan, the 2007 Historic Downtown Improvement and Economic Sustainability Plan, and has been pursued with wide support of citizens for more than 10 years. After getting Union Pacific officials on the negotiation table and coming to an agreeable sales price, the approval of the sale by the city appeared to be a no-brainer, especially since the City had most of the purchase price set aside in its open space fee-in-lieu fund, which can only be spent on obtaining additional park land or open space.

The claim of Michelle Parmeter appears to be, that I enriched myself by \$100,000 by voting for the city's purchase of the 60 acres of Union Pacific land in some proximity to my own.

She does not give any guidance how she arrived to that claim other than her statement that studies show property values increase after park and open space purchase. I have never heard of such studies, and had no expectation that adding the Union Pacific property to the City's parks and open space would affect my property value at all.

It is also a lie that this property in question is within 200 feet of my lot or that the sale has in any way changed the access to the existing trail above my lot. In fact, as the attached map shows, my property is actually approximately 400 feet from the RR property. Since the reason for purchase was 1) Protecting the view corridor from the city; and 2) Clarifying access to the BLM land from the parking lot on F-street bridge (not for people already living on the other side of the UP-property).

The benefit for anyone owning a house in Salida on the West side of the river certainly received a bigger benefit of this purchase than I.

It is true that I bought a parcel of land called the Hillside Minor Subdivision in 2008 from the now Mayor PT Wood for \$109,500. I had just sold the before commonly owned house between my ex- wife and me on F street and felt that the location at the bottom of "S" mountain was a perfect place to build a new one. Personal uncertainty made me hesitate starting to build right away.

Around 4-5 years ago the new owner of my neighbor lot subdivided his lot with the same square footage into four lots and started building houses on those. Seeing the changed landscape on the other side of the river finally inspired me to follow suit and make this prime real estate available to several homeowners. So I started the subdivision process in 2018.

Since there is no city water and sewage available on that side of the river, a development could only work with placing well and septic field apart connected by an easement to serve all three new lots.

The county had assessed the 2 of the 3 lots in 2018 at \$26,680 each. So thinking it had depreciated by more than 50% I was shocked when in 2019 the county appraisal showed those lots at \$126,910 a piece.



I am not completely certain, when the county appraiser generates these numbers, but we received the property Notice of Valuation in Chaffee County in January, which in this case was January 2019.

When I went to the county office wondering about the reasoning of this jump they gave me the sale information of Parcel number R3681324011390 Hillside drive to Allison Forrester and Peter McMillan which happened on June 29<sup>th</sup> 2018.

I am including a copy of that record.

So to be clear, that assessment was more than a year before Council gave the Mayor the OK to sign the purchase agreement for the UP-land sale, and way before the negotiations with the Union Pacific showed any signs of success.

All that said, here is what is most important in considering any allegation that I was enriched by my vote to acquire the RR property: *the county appraisal dated January 5<sup>th</sup> 2020, which is the one following our decision, however showed no change in value.* This bears out my assumption at the time of the vote that the City's acquisition of the property would have no financial effect on my property at all.

To look at my property value from a different perspective, here are some other numbers:

I bought the lot for \$109,500

I put about \$65,000 into improvements

Just to name the bigger items:

- Septic engineering \$2,878
- Septic installation \$32,255.76
- Drilling of two wells \$10,700
- Augmentation for 2 wells \$8,630
- Subdivision process \$ 650.
- Survey \$882.50

So I invested around \$175,000 into the parcel in question. Salida property prices throughout the entire City have increased roughly 100% through out those 12 years, which is close to the value of my property now.

I listed one of the three lots for \$144,000 since I didn't want to stay with my asking price under the unimproved county assessment value plus the improvements.

In the public hearing of October 15<sup>th</sup>, when the council approved the city's purchase of the Union Pacific property, the Mayor and I disclosed, that we owned property in some proximity. The OK of the sale was not dependent in my vote; it passed 4-1.

At the time councilman Mike Bower was the only one that disagreed. He obviously had some misunderstanding, as he thought that the allotted Parks and Open Space fee-in-lieu money could have been used for affordable housing.

In hindsight I wish I had recused myself, in addition to disclosing my property ownership, if only to save your commission's valuable time, but there is just no objective support for Mrs. Parmeter's claim.

I am shocked by her inability of correctly stating the facts.

I am also discouraged to witness her attempts to smear my reputation as a reaction to my support of the affordable housing project.

Thanks for your consideration and please let me know if you need any further documents.

To the best of my knowledge, information and belief, any statements set out in this response are true.

Harald Kasper

A handwritten signature in cursive script that reads "Harald Kasper". The signature is written in dark ink and is positioned to the right of the typed name.



Addendum for response to complaint 20-22

As promised





**Notice Number**

2756705

BRENDA J. MOSBY

CHAFFEE COUNTY ASSESSOR

P.O. BOX 699

SALIDA, CO 81201

**REAL PROPERTY NOTICE OF VALUATION**

Date of Notice:

05/01/2020

Telephone:

(719)539-4016

Fax:

Not Available

Office Hours:

9:00 AM TO 4:00 PM

| SCHEDULE NUMBER                       | TAX YEAR     | TAX AREA     | LEGAL DESCRIPTION / PROPERTY ADDRESS   |
|---------------------------------------|--------------|--------------|--|
| R368132401435                         | 2020         | 07           | LOT 1 KASPER MINOR SUBDIVISION<br>PLAT 444928 SAL488<br>AMENDED PLAT 453340 SAL518 |
| KASPER HAROLD                         |              |              |  |
| 421 E 2ND ST<br>SALIDA, CO 81201-2809 |              |              |  |
|                                       |              |              | 5 HILLSIDE DR SALIDA   |
| PROPERTY CLASSIFICATION               | ACTUAL VALUE |              | + OR - CHANGE  |
|                                       | PRIOR YEAR   | CURRENT YEAR |  |
| Vacant Residential                    | \$126,910    | \$126,910    | +00  |
| <b>Totals:</b>                        | \$126,910    | \$126,910    | +00  |

**Notes:**

| PROPERTY CHARACTERISTICS | # of Buildings: 0                              |
|--------------------------|--|
|                          | BltAs Description:                             |
| PROPERTY CHARACTERISTICS | Year Built:                                    |
|                          | Total Improvement SqFt: *                      |
| PROPERTY CHARACTERISTICS | Quality:                                       |
|                          | * Total SqFt may include more than 1 building. |

The assessment rate for residential property is projected to be 7.15% § 39-1-104.2(3), C.R.S. A change in the projected residential assessment percentage is not grounds for protest or abatement of taxes, § 39-5-121(1), C.R.S. Generally, all other property, including vacant land, is assessed at 29%, § 39-1-104(1) C.R.S.

The tax notice you receive next January will be based on the current year actual value. If the Senior Citizen or Disabled Veteran Property Tax Exemption has been applied to your residential property, it is not reflected in the current year actual value shown above.

**You have the right to protest the classification and/or valuation of your property. Please refer to the reverse side of this notice for additional information.**

15-DPT-AR

NOV 181-04/11

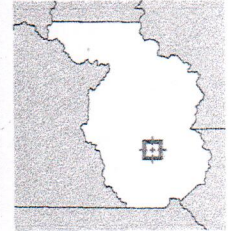
appeal nr. #20007531



when was this sold



Overview



Legend

-  Parcels
-  Parcel Joins
-  Roads

Parcel Number R368132401390 Physical Address HILLSIDE DR  
Property Class n/a Owner Address FORRESTAL ALLISON  
Taxing District 07 MCMILLAN PETER  
Acres 0.301309 2236 E 21ST AVE  
DENVER, CO 802055701

Total Value \$152,000

Last 2 Sales

| Date      | Price     | Reason | Qual |
|-----------|-----------|--------|------|
| 6/29/2018 | \$152,000 | Q      | n/a  |
| 8/31/2005 | 0         | U      | n/a  |

Brief Tax Description LOTS 18 & 19 PT LOT 20 HILLSIDE ADD  
SALIDA  
REC 443949  
(Note: Not to be used on legal documents)

Date created: 5/7/2019  
Last Data Uploaded: 5/6/2019 5:18:38 PM

Developed by  **Schneider**  
GEOSPATIAL

Sold to current owner on 6/29/2018 for \$152,000.



### Summary

**Parcel Number** 368132401435  
**Account Number** R368132401435  
**Property Address** N/A  
**Brief Tax Description** LOT 1 KASPER MINOR SUBDIVISION PLAT 444928 SAL488  
(Note: Not to be used on legal documents)  
**Class** Vacant Land  
**Subdivision** Kasper Minor Subdivision  
**Neighborhood** N/A  
**Tax District** District 07  
**Millage Rate** 48.361  
**Acres** 0.157828

### Owner

Kasper Harold  
 421 E 2nd St  
 Salida, CO 812012809

### Land

| Description              | Acres    | Square Footage | Value     |
|--------------------------|----------|----------------|-----------|
| Vacant Lot - Residential | 0.157828 | 6,875.00       | \$126,910 |

### Valuation

|                             | 2019             | 2018            |
|-----------------------------|------------------|-----------------|
| Land Value                  | \$126,910        | \$26,680        |
| Building Value              |                  |                 |
| <b>Total Value</b>          | <b>\$126,910</b> | <b>\$26,680</b> |
| Assessed Land Value         | \$36,800         | \$7,740         |
| Assessed Building Value     |                  |                 |
| <b>Total Assessed Value</b> | <b>\$36,800</b>  | <b>\$7,740</b>  |
| Estimated Total Taxes       | \$1,779.68       | \$374.31        |

No data available for the following modules: Related Accounts, Buildings, Sales, Photos, Sketches.

The Chaffee County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. Data is subject to constant change and its accuracy and completeness cannot be guaranteed.

Developed by  

**Schneider**  
 GEOSPATIAL

Last Data Upload: 5/6/2019, 3:18:38 PM

Version 2.2.16

2018 26.  
 2019 126